

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAUSTEVEION JOHNSON,

Plaintiff,

v.

COVID-19, et al.,

Defendants.

Case No. 2:21-cv-02076-RFB-VCF

**ORDER CONFIRMING VOLUNTARY
DISMISSAL**

In screening pro se plaintiff Lausteveion Johnson's civil-rights complaint, this Court dismissed the claims without prejudice and with leave to amend by September 12, 2022. (ECF No. 10). A month later, Johnson filed a motion to voluntarily dismiss this action. (ECF No. 12). Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" The Ninth Circuit has instructed "it is beyond debate that a dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about it." Com. Space Mgmt. Co. Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1078 (9th Cir. 1999).

No responsive pleading or summary-judgment motion has been filed in this case, so Johnson's voluntary dismissal was effective under Rule 41(a)(1) upon its filing.

It is therefore ordered that the application to proceed in forma pauperis (ECF No. 9) is denied as moot.

The Clerk of the Court is directed to close this case.

DATED: October 6, 2022



RICHARD F. BOULWARE, III
UNITED STATES DISTRICT JUDGE